



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON REQUEST FOR WAIVER OF THE ANALOG SERVICE REQUIREMENT

WT Docket No. 07-10

Comments due February 12, 2007
Reply Comments due February 22, 2007

Pursuant to Section 1.925(c) of the Commission's rules,¹ the Wireless Telecommunications Bureau (Bureau) hereby seeks comment on the request of Corr Communications, LLC (Corr),² Call Sign KNKN904, for waiver of Section 22.901(b) of the Commission's rules,³ which requires Cellular Radiotelephone Service licensees to provide analog service to subscribers and roamers whose mobile equipment conforms to the Advanced Mobile Phone Service (AMPS) standard until February 18, 2008 (the "analog sunset date").⁴

Corr provides cellular service in northeast Alabama and adjacent areas, and seeks waiver of Section 22.901(b) to discontinue analog service in its entire service area. Corr argues that, given its unique circumstances, application of the analog service rule is unduly burdensome, and that the costs outweigh the benefits of providing service to its remaining AMPS subscribers,⁵ AMPS roamers, and emergency-

¹ 47 C.F.R. § 1.925(c).

² See Request of Corr Wireless Communications, LLC for Waiver of Section 22.901(b) of the Commission's Rules (filed Jan. 31, 2006) (Request), and Supplement (filed Sept. 18, 2006).

³ See 47 C.F.R. § 22.901(b).

⁴ On December 20, 2006, the Bureau released a public notice, seeking comment on a petition for rulemaking to extend the analog sunset date until February 18, 2010. See "Wireless Telecommunications Bureau Seeks Comment On Petition For Rulemaking To Extend Cellular Analog Sunset Date," *Public Notice*, DA 06-2599, 2006 Westlaw 3751106 (F.C.C.) (WTB rel. Dec. 20, 2006). Comments were due January 19, 2007, and reply comments are due February 6, 2007 in that proceeding, RM No. 11355.

⁵ Request at 2 ("fewer than 100 are active analog-only subscribers"); Supplement at 1("no more than twenty or thirty analog-only subscribers").

only AMPS handset users. Corr also states that it is willing to provide free digital hearing aid-compatible (HAC) handsets to eligible AMPS subscribers.⁶

In 2002, the Commission concluded that it was unnecessary to continue the AMPS requirement indefinitely, because it had achieved the Commission's original goals of ensuring public access to nationwide service (roaming) and low-cost handsets.⁷ The Commission, however, adopted a 5-year transition period (ending on the fifth anniversary of the effective date of the *AMPS Sunset Order*), to enable a smooth transition of persons with hearing disabilities and emergency-only users from analog to digital handsets.⁸

In view of the foregoing, we invite interested parties to comment on Corr's request for waiver of the AMPS requirement,⁹ particularly whether grant of the request could adversely impact persons with hearing disabilities or emergency-only users of analog handsets that have not migrated to digital replacement equipment.¹⁰

Procedural Matters

Comments on the Request are due **no later than February 12, 2007**. Reply Comments are due **no later than February 22, 2007**. All responsive filings should reference the docket number of this proceeding, WT 07-10.

This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹¹ Parties making oral *ex parte* presentations in this proceeding are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.¹² More than a one- or two-sentence description of the views and arguments presented is generally required.¹³

⁶ Request at 4.

⁷ See Year 2000 Biennial Review—Amendment of Part 22 of the Commission's Rules to Modify or Eliminate Outdated Rules Affecting the Cellular Radiotelephone Service and Other Commercial Mobile Radio Services, WT Docket No. 01-108, *Report and Order*, 17 FCC Rcd 18401, 18406 ¶8, and 18409-18412 ¶¶13-17 (2002) (*AMPS Sunset Order*), *Order on Reconsideration*, 19 FCC Rcd 3239 (2004).

⁸ *Id.*, at 18406 ¶8, and 18414-18419 ¶¶22-30.

⁹ On December 18, 2006, the Bureau granted ACS Wireless, Inc. a waiver to discontinue AMPS at seven remote sites in Alaska (out of more than 100 AMPS sites operated by the company). See Petition of ACS Wireless, Inc. for Limited Waiver of Analog Service Rule, *Order*, DA 06-2542, 2006 Westlaw 3734117 (F.C.C.) (WTB rel. Dec. 18, 2006).

¹⁰ The Bureau recently released a public notice seeking comment on, *inter alia*, the impact of the HAC rules in achieving greater compatibility between hearing aids and digital wireless phones, and the impact of the HAC requirements on cochlear implant and middle ear implant users and their ability to use digital wireless phones. See "Wireless Telecommunications Bureau Seeks Comment On Topics To Be Addressed In Hearing Aid Compatibility Report," *Public Notice*, WT 06-203, DA 06-2285, 2006 Westlaw 3245734 (F.C.C.) (WTB rel. Nov. 8, 2006).

¹¹ See 47 C.F.R. §§ 1.1200(a), 1.1206.

¹² See "Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings," *Public Notice*, 15 FCC Rcd 19945 (2000).

¹³ See 47 C.F.R. § 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well. *Id.* at § 1.1206(b).

The Request is available for public inspection and copying in the Commission's Reference Center, Room CY A257, 445 12th Street, S.W., Washington, DC 20554. Copies of the Request also may be obtained via the Commission's Electronic Comment Filing System (ECFS) by entering the docket number, WT 07-10. Copies of the Request are also available from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties shall send one copy of their comments and reply comments to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (800) 378-3160, e-mail FCC@BCPIWEB.com.

Comments filed in response to this Public Notice will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, D.C. 20554, and via the Commission's Electronic Comment Filing System (ECFS) by entering the Docket Number, WT 07-10. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

Alternate formats of this Public Notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

FOR FURTHER INFORMATION, CONTACT: Richard Arsenault of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-0920, richard.arsenault@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.